

**EIGHTY-SIXTH LEGISLATIVE DAY  
TUESDAY, APRIL 5, 2005**

House of Representatives

The House convened at 10 a.m., Mr. Denney in the Chair.

Roll call showed 67 members present.

Absent and excused -- Shepherd(8), Trail, Mr. Speaker.  
Total -- 3.

Total -- 70.

Prayer was offered by Representative Hart.

The Pledge of Allegiance was led by Tabitha Grad, Page.

**Approval of Journal**

April 5, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighty-fifth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the  
Governor and the Senate**

THE OFFICE OF THE GOVERNOR  
EXECUTIVE DEPARTMENT  
BOISE, IDAHO

**CERTIFICATE OF APPOINTMENT**

KNOW ALL MEN, by these Presents that Dr. Robert J. Ring, State Representative, District 10, House Seat A, Canyon County, State of Idaho, pursuant to the provisions of Section 59-917, Idaho Code, has nominated Dr. Richard T. Roberge, of Caldwell, Idaho, to perform the duties of this office temporarily as Acting State Representative.

NOW, THEREFORE, I, DIRK A. KEMPTHORNE, Governor of the State of Idaho, by virtue of the authority vested in me by Section 59-917, Idaho Code, do hereby appoint Dr. Richard T. Roberge, Acting State Representative, District 10, House Seat A, Canyon County, State of Idaho, for a term commencing on Tuesday, April 5, 2005, and continuing until the incumbent shall resume the performance of the duties or a vacancy occurs in such office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho.

Done at Boise, the Capital of Idaho, this 4th day of April in the year of our Lord two thousand and five, and of the Independence of the United States of America, the two hundred and twenty-ninth year.

/s/ DIRK A. KEMPTHORNE  
Governor  
/s/ BEN YSURSA  
Secretary of State

The Certificate of Appointment was ordered filed in the Office of the Chief Clerk.

The Speaker announced the oath of office had previously been administered to Dr. Roberge.

April 5, 2005

Mr. Speaker:

I transmit herewith enrolled **S 1171**, as amended, **S 1173**, as amended, **S 1191**, as amended, **S 1235**, **S 1236**, **S 1237**, **S 1238**, **SCR 119**, **SJM 111**, and **SJM 112** for the signature of the Speaker.

WOOD, Secretary

The Acting Speaker announced that enrolled **S 1171**, as amended, **S 1173**, as amended, **S 1191**, as amended, **S 1235**, **S 1236**, **S 1237**, **S 1238**, **SCR 119**, **SJM 111**, and **SJM 112** would be signed by the Speaker, and when so signed, ordered them returned to the Senate.

April 5, 2005

Mr. Speaker:

I return herewith enrolled **H 145**, as amended, as amended in the Senate, **H 110**, as amended, as amended in the Senate, **H 291**, as amended in the Senate, and **H 315**, as amended in the Senate, which have been signed by the President.

WOOD, Secretary

Enrolled **H 145**, as amended, as amended in the Senate, **H 110**, as amended, as amended in the Senate, **H 291**, as amended in the Senate, and **H 315**, as amended in the Senate, were referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

April 4, 2005

Mr. Speaker:

I return herewith **HCR 28**, **H 395**, **H 396**, and **H 397** which have passed the Senate.

WOOD, Secretary

**HCR 28**, **H 395**, **H 396**, and **H 397** were referred to the Judiciary, Rules, and Administration Committee for enrolling.

April 4, 2005

Mr. Speaker:

I return herewith **HJM 5** which has failed the Senate.

WOOD, Secretary

**HJM 5** was filed in the Office of the Chief Clerk.

**Report of Standing Committees**

April 5, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **H 401**.

FIELD(18), Chairman

**H 401** was filed for second reading.

April 5, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 386**, as amended in the Senate, as amended in the Senate, **HCR 28**, **H 395**, **H 396**, and **H 397**.

FIELD(18), Chairman

The Acting Speaker announced that enrolled **H 386**, as amended in the Senate, as amended in the Senate, **HCR 28**, **H 395**, **H 396**, and **H 397**, would be signed by the Speaker, and when so signed, ordered them transmitted to the Senate for the signature of the President.

March 30, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 370** and report it back with amendments attached to be placed on General Orders for consideration.

CROW, Chairman

**H 370** was placed on General Orders for consideration.

There being no objection, the House advanced to the Seventh Order of Business.

#### Motions, Memorials, and Resolutions

#### HOUSE CONCURRENT RESOLUTION NO. 29

#### BY WAYS AND MEANS COMMITTEE

#### A CONCURRENT RESOLUTION

STATING LEGISLATIVE FINDINGS AND COMMENDING JARED AND JERUSHA HESS AND THE CITY OF PRESTON FOR THE PRODUCTION OF THE MOVIE "NAPOLEON DYNAMITE."

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the State of Idaho recognizes the vision, talent and creativity of Jared and Jerusha Hess in the writing and production of "Napoleon Dynamite"; and

WHEREAS, the scenic and beautiful City of Preston, County of Franklin and the State of Idaho are experiencing increased tourism and economic growth; and

WHEREAS, filmmaker Jared Hess is a native Idahoan who was educated in the Idaho public school system; and

WHEREAS, the Preston High School administration and staff, particularly the cafeteria staff, have enjoyed notoriety and worldwide attention; and

WHEREAS, tater tots figure prominently in this film thus promoting Idaho's most famous export; and

WHEREAS, the friendship between Napoleon and Pedro has

furthered multiethnic relationships; and

WHEREAS, Uncle Rico's football skills are a testament to Idaho athletics; and

WHEREAS, Napoleon's bicycle and Kip's skateboard promote better air quality and carpooling as alternatives to fuel-dependent methods of transportation; and

WHEREAS, Grandma's trip to the St. Anthony Sand Dunes highlights a long-honored Idaho vacation destination; and

WHEREAS, Rico and Kip's Tupperware sales and Deb's keychains and glamour shots promote entrepreneurship and self-sufficiency in Idaho's small towns; and

WHEREAS, Napoleon's artistic rendition of Trisha is an example of the importance of the visual arts in K-12 education; and

WHEREAS, the schoolwide Preston High School student body elections foster an awareness in Idaho's youth of public service and civic duty; and

WHEREAS, the "Happy Hands" club and the requirement that candidates for school president present a skit is an example of the importance of theater arts in K-12 education; and

WHEREAS, Pedro's efforts to bake a cake for Summer illustrate the positive connection between culinary skills to lifelong relationships; and

WHEREAS, Kip's relationship with LaFawnduh is a tribute to e-commerce and Idaho's technology-driven industry; and

WHEREAS, Kip and LaFawnduh's wedding shows Idaho's commitment to healthy marriages; and

WHEREAS, the prevalence of cooked steak as a primary food group pays tribute to Idaho's beef industry; and

WHEREAS, Napoleon's tetherball dexterity emphasizes the importance of physical education in Idaho public schools; and

WHEREAS, Tina the llama, the chickens with large talons, the 4-H milk cows, and the Honeymoon Stallion showcase Idaho's animal husbandry; and

WHEREAS, any members of the House of Representatives or the Senate of the Legislature of the State of Idaho who choose to vote "Nay" on this concurrent resolution are "FREAKIN' IDIOTS!" and run the risk of having the "Worst Day of Their Lives!"

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the House of Representatives and the Senate concurring therein, that we commend Jared and Jerusha Hess and the City of Preston for showcasing the positive aspects of Idaho's youth, rural culture, education system, athletics, economic prosperity and diversity.

BE IT FURTHER RESOLVED that we, the members of the House of Representatives and the Senate of the State of Idaho, advocate always following your heart, and thus we eagerly await the next cinematic undertaking of Idaho's Hess family.

BE IT FURTHER RESOLVED that the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this resolution to Jared and Jerusha Hess, the Mayor of the City of Preston and the Principal of Preston High School.

**HCR 29** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

Mr. Roberts asked unanimous consent that **H 100**, as amended in the Senate, as amended in the Senate, be returned to the Revenue and Taxation Committee. There being no objection, it was so ordered.

**HOUSE BILL NO. 402**  
**BY WAYS AND MEANS COMMITTEE**  
AN ACT

RELATING TO COMMERCIAL MOTOR VEHICLE DRIVING PRIVILEGES AND NONCOMMERCIAL MOTOR VEHICLE DRIVING PRIVILEGES; AMENDING SECTION 18-8002A, IDAHO CODE, TO CLARIFY THAT RESTRICTED DRIVING PRIVILEGES APPLY ONLY TO OPERATION OF NONCOMMERCIAL VEHICLES, TO CLARIFY THAT WORK PURPOSES SHALL NOT INVOLVE OPERATION OF A COMMERCIAL VEHICLE AND TO PROVIDE THAT RESTRICTED DRIVING PRIVILEGES SHALL NOT APPLY TO OPERATION OF A COMMERCIAL VEHICLE; AMENDING SECTION 18-8004A, IDAHO CODE, TO PROVIDE THAT RESTRICTED DRIVING PRIVILEGES SHALL NOT BE GRANTED TO OPERATE A COMMERCIAL MOTOR VEHICLE DURING THE PERIOD OF SUSPENSION, REVOCATION, CANCELLATION OR DISQUALIFICATION; AMENDING SECTION 18-8005, IDAHO CODE, TO PROVIDE THAT ANY PERSON WHOSE DRIVING PRIVILEGES HAVE BEEN SUSPENDED, REVOKED OR CANCELED SHALL NOT BE GRANTED RESTRICTED DRIVING PRIVILEGES TO OPERATE A COMMERCIAL MOTOR VEHICLE AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 49-105, IDAHO CODE, TO PROVIDE FOR A SCHOOL BUS ENDORSEMENT ON A DRIVER'S LICENSE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-306, IDAHO CODE, TO REQUIRE THAT EVERY APPLICATION FOR A CLASS A, B OR C DRIVER'S LICENSE SHALL STATE WHERE THE APPLICANT HAS BEEN LICENSED FOR THE PRECEDING TEN YEARS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-313, IDAHO CODE, TO REQUIRE AN APPLICANT FOR A SCHOOL BUS ENDORSEMENT TO PASS APPROPRIATE KNOWLEDGE AND SKILLS TESTS AND TO AUTHORIZE THE DEPARTMENT UNTIL A TIME CERTAIN TO WAIVE THE SKILLS TEST REQUIREMENT UNDER CERTAIN CONDITIONS; AMENDING SECTION 49-325, IDAHO CODE, TO CLARIFY THAT A TEMPORARY RESTRICTED PERMIT MAY BE ISSUED TO GRANT NONCOMMERCIAL DRIVING PRIVILEGES BUT SHALL NOT GRANT DRIVING PRIVILEGES TO OPERATE A COMMERCIAL MOTOR VEHICLE AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 49-326, IDAHO CODE, TO PROVIDE THAT A TEMPORARY RESTRICTED PERMIT MAY BE ISSUED TO GRANT NONCOMMERCIAL DRIVING PRIVILEGES BUT SHALL NOT GRANT DRIVING PRIVILEGES TO OPERATE A COMMERCIAL MOTOR VEHICLE AND TO MAKE A

TECHNICAL CORRECTION; AND AMENDING SECTION 49-335, IDAHO CODE, TO CLARIFY THE CONDITIONS FOR WHICH THE OPERATOR OF A COMMERCIAL MOTOR VEHICLE MAY BE DISQUALIFIED AND TO PROVIDE ADDITIONAL CONDITIONS FOR DISQUALIFICATION IN ACCORDANCE WITH FEDERAL REGULATIONS.

**H 402** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 10 a.m., Wednesday, April 6, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Acting Speaker declared the House adjourned at 11:54 a.m.

LAWRENCE DENNEY, Acting Speaker

ATTEST:

PAMM JUKER, Chief Clerk